

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

JEREMIAH ORDONEZ,

Petitioner,

v.

No. 17-CV-00996-KG-SCY

KEN SMITH,

Respondent.

ORDER DENYING PETITIONER'S MOTION TO  
PROCEED IN FORMA PAUPERIS

This matter is before the Court, *sua sponte*. On October 2, 2017, Petitioner Jeremiah Ordonez submitted a Prisoner's Motion And Affidavit For Leave To Proceed Pursuant to 28 U.S.C. § 1915, but he failed to list his assets and their value. (Doc. 2). On October 10, 2017, the Court ordered Petitioner to cure this deficiency by submitting "an affidavit that lists his assets and their value, including, but not limited to, any funds that currently exist in his prisoner account." (Doc. 4). The Court warned Petitioner that "[f]ailure to provide the financial information required by § 1915(a)(1) may result in the denial of Petitioner's motion without further notice." (Doc. 4).

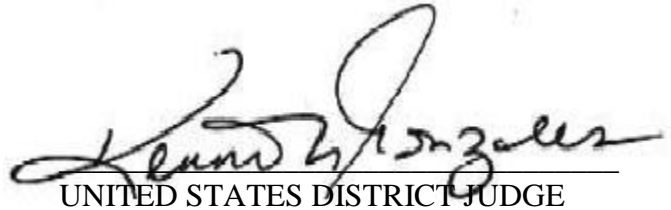
Petitioner's affidavit was due on or before November 9, 2017, but as of this date, he has not submitted a completed affidavit or otherwise responded to the Court's October 10, 2017, Order To Cure Deficiency. In light of Petitioner's failure to provide this Court with an affidavit that "includes a statement of all such assets" he possesses as required by 28 U.S.C. § 1915(a)(1), Petitioner's Prisoner's Motion and Affidavit For Leave To Proceed Pursuant to 28 U.S.C. § 1915 (Doc. 2) will be denied and Petitioner will be required to submit the \$5 filing fee within thirty (30) days of the date of entry of this order. Failure timely to pay the filing fee, or to show cause

for the failure to do so, may result in the dismissal of this action without further notice.

IT IS THEREFORE ORDERED Petitioner's Prisoner's Motion and Affidavit For Leave To Proceed Pursuant to 28 U.S.C. § 1915 (Doc. 2) is DENIED;

IT IS FURTHER ORDERED that Petitioner submit the \$5 filing fee, or show cause for his failure to do so, within thirty (30) days of the date of entry of this order.

IT IS SO ORDERED.



UNITED STATES DISTRICT JUDGE